UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No. '08 MJ 1274
v.	)	COMPLAINT FOR VIOLATION OF:
Felipe VALDOVINOS-Espino, Defendant	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 22, 2008** within the Southern District of California, defendant, **Felipe VALDOVINOS-Espino,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **APRIL, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Felipe VALDOVINOS-Espino

PROBABLE CAUSE STATEMENT

On April 22, 2008, at approximately 4:30 p.m., Border Patrol Agent A. Velasquez while performing his assigned duties, responded to a request for assistance from Border Patrol Agent J. Fistola who was in the process of checking an intrusion device approximately two miles north of the U.S./Mexico Border and approximately 20 miles east of the Tecate, California Port of Entry.

Agent Velasquez was asked to check an area located on the south side of call box 672 located on Interstate 8. Upon arriving, Agent Velasquez found six individuals attempting to hide. Agent Velasquez approached the group and identified himself as a United States Border Patrol Agent at which time two of the individuals attempted to run away. Agent Velasquez was able to hold onto one of the individuals and lead him back to where the rest of the group was waiting. Agent Velasquez questioned all the remaining individuals as to their citizenship and immigration status including one later identified as defendant **Felipe VALDOVINOS-Espino**. Each of the individuals admitted to being citizens of Mexico without any documents lawfully admitting them to enter or remain in the United States legally. All five subjects were placed under arrest and transported to the Boulevard Border Patrol Station for processing

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 4, 2008** through **El Paso, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.